

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	CHAPTER 13
	§	
LUCIA CAMARILLO	§	
	§	
DEBTOR	§	CASE NO. 10-31039-LMC

**THE CITY OF EL PASO'S OBJECTION TO
CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

TO THE HONORABLE COURT:

Now comes the City of El Paso and files this Objection to Confirmation of Debtor's Chapter 13 Plan dated May 19, 2010, and support thereof would respectfully show the Court as follows:

1. The City of El Paso is the holder of a claim in the amount of \$693.18 for estimated year 2010 and prior ad valorem taxes on the Debtor's mobile home property situated in the City of El Paso, El Paso, County, Texas. This claim is secured by liens on the property pursuant to sections 32.01 and 32.05 of the Texas Property Tax Code.

2. The Debtor's Chapter 13 Plan does not adequately provide for the claim of the City of El Paso in that the Plan fails to treat the tax debt for tax years 1997 through estimated year 2010 taxes in its entirety for mobile home account number 0825-999-0243-0042 of the City of El Paso tax claim. Inasmuch as the account is delinquent for 2009 and prior taxes, the City of El Paso requests that the plan treat this account as bifurcated with the 2009 and prior taxes be paid in the plan at the rate of twelve percent (12%) per annum and the estimated 2010 taxes to be paid direct outside the plan.

3. As an over secured creditor, the City of El Paso is entitled to interest on its claim from the petition date. U.S. v. Ron Pair Enterprises, 489 U.S. 235 (1989). Bankruptcy Code Section 1325(a)(5)(B)(ii) requires that the payments to secured creditors have a "present value" equal to creditors' allowed secured claims. The City of El Paso should be allowed interest from the petition date through the date of final payment at the rate of 12% per annum. See 11 U.S.C. §511.

WHEREFORE, based on the foregoing, the City of El Paso respectfully requests the Court enter an Order denying confirmation of the Debtor's plan unless and until the Debtor amends its plan to provide for the claim of the City of El Paso in the amount of \$334.74 to be paid through the plan pro-rata with interest at the rate of 12% per annum and the estimated year 2010 direct and for such other relief to which it is entitled.

Respectfully submitted,

**LINEBARGER GOGGAN
BLAIR & SAMPSON, LLP**
711 Navarro, Suite 300
San Antonio, TX 78205
(210) 225-4422 - *Telephone*
(210) 226-4308 - *Fax*

By: /s/ Don Stecker
David G. Aelvoet (SBN 00786959)
Don Stecker (SBN 19095300)

Attorney for the City of El Paso

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *City of El Paso's Objection to Confirmation of Debtor's Chapter 13 Plan* was served this 12th day of July, 2010, by First Class Mail upon the following:

Debtor:

Lucia Camarillo
311 Enrique Lane
El Paso, TX 79907

Attorney for Debtors:

Sol Cortez
Tanzy & Borrego Law Offices
2610 Montana Avenue
El Paso, TX 79903

Chapter 13 Trustee:

Stuart C. Cox
1760 Lee Treviño
El Paso, TX 79936

/s/ Don Stecker

David G. Aelvoet
Don Stecker